Page 15 of Plaintiffs' Complaint



September 16, 2019

OFFICE OF APPELIATE COURTS

want to hear, or did not fit into his own narrative was becoming clear.

DEFENDANTS' FALSE AND DEFAMATORY STATEMENTS

- 56. In October 22, 2015, Ms. MacDonald sporadically texted Defendant Brodkorb with a photo of her with Governor Mark Dayton, where she was accepting an award, informing him that "Governor signed a family law bill which was the result of the custody/parenting time dialogue group, a circle process with a facilitator and consumers, lawyers, legislators, mediators, Judges, educators, custody evaluators... you name it. It was a two year process I have been actively involved in," referring to her involvement in a custody/parenting time dialogue group. Ms. MacDonald sent another picture of her with the Governor, Representative Peggy Scott and a few others in the group.
- 57. Rather than acknowledging the accomplishment of Ms. MacDonald and the dialogue group as news, Brodkorb reacted by replying via text: "Peggy Scott was not aware you were a "person of interest" in a case involving missing kids." Apparently, Brodkorb contacted and told several others this false report in person, as he also texted "Many I spoke with today did not feel it was appropriate for you to attend, as police do wish to question you about your involvement with the disappearance of two missing girls." Ms. MacDonald reprimanded and corrected Brodkorb.
- 58. On February 16, 2016, Brodkorb falsely reported in a tweet that Ms. MacDonald had a DUI conviction, and that it was upheld by the Court of Appeals. In fact, Ms. MacDonald had been acquitted of DUI.
- 59. After reprimands from Ms. MacDonald, Brodkorb may have ceased the defamatory remarks and posts for several months, until he started doing business as Missing in Minnesota, in June 2016, joined by Allison Mann, in May 2017, as described below.





Reporter Mike Br... Mobile

preparing their petition in juvenile court...but when I asked you at the hearing if you were helping the Dahlens, you said no...how do you reconcile the two positions?

2/16/46 6(02 PM)

Fwd: @mbrodkorb: RT @chanenstrib: The DWI conviction of former state Supreme Court candidate Michelle MacDonald was upheld Tuesday by court of appeals

I did not get convicted if a DUI. Please get the facts straight and retract this , material omissions will not be tolerated:

3/29/16/5:26 PM

llm Working on a post on judicial candidates in 16. You still plan on running for Sunteme Court



Type a message





Page 3 of Jugge's Order.

MEMORANDUM

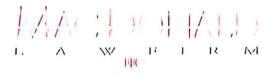
Plaintiffs' Amended Complaint for Defamation claims MacDonald's reputation has been damaged by statements made by Defendants. Plaintiffs allege three actionable false statements by Defendants: (1) that MacDonald was a "person of interest" in the disappearance of two children; (2) that an unflattering photograph of MacDonald was published to appear "as if a mugshot;" and (3) that MacDonald was convicted of driving under the influence. Plaintiffs move for default judgment and Defendants seek summary judgment on both counts 1 and 2 of the Amended Compliant. For the reasons set forth herein, the Court denies Plaintiffs' motion for default judgment and grants Defendants' motion for summary judgment.

PROCEDURAL BACKGROUND

On June 14, 2918, Plaintiffs served their original Complaint for Defamation on Defendants. In their Complaint, Plaintiffs alleged that Defendants violated provisions of the Society of Professional Journalists' Code of Ethics by defaming McDonald. Plaintiffs assert claims of Defamation and Defamation Per Se in Count 1, and Defamation by Implication in Count 2. Plaintiffs' filed their Complaint in Ramsey County District Court on June 18, 2018 (the 'Ramsey County case').

On June 15, 2018, Plaintiffs filed an identical Complaint for Defamation in Dakota County District Court (File No. 19HA-CV-18-2643) (the "Dakota County case"). On June 18, 2018, Plaintiffs filed a proposed order for a change of venue to Ramsey County District Court. Four days later, on June 22, 2018, Plaintiffs filed a letter notifying the Dakota County District Court that the case had been e-filed and accepted in Dakota County District Court in error. That same day, June 22, 2018, Defendants filed a letter in Dakota County opposing Plaintiff's request to change venue. On July 10, 2018, Plaintiffs filed a notice to dismiss the Dakota County case

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Malling & Delivery 1069 So. Robert Street W. St. Paul, M/N 55118 Main: (651) 222-4400 Fax: (651) 222-1122 www.MacDonaldLawFirm.com

June 22, 2018

Dakota County Court Attn: Court Administrator 1560 Highway 55 Hastings, Minnesota 55033

1201

In Re; Michelle L. MacDonald vs. Michael Brodkorp Dakota County Court File No; 19-HA-CY-18 2643

Dear Court Administrator:

The above case was e-filed, and accepted by Dakota County District Court, in error. Once the error was determined, a proposed order to correct the error was requested by June Baldwin, and the case was filed in Ramsey County as intended as follows:

In Re: Michelle L. MacDonald, MacDonald Law Firm, LLC vs. Michael Brodkorb, Missing in Minnesota, LLC. Ramsey County Court File No.: 62-CY-18-4145

Judge David C. Higgs has been assigned in Ramsey. The Complaint, Confidential Source Document, and Affidavits of Personal Service are captioned in Ramsey County, where the defendant Missing In Minnesota, LLC is registered.

We are awaiting a determination by the Dakota County District Court to correct the error by signing the proposed order that was requested. Otherwise, the case filed in Dakota County can be promptly dismissed.

Thank you for your consideration in this matter.

Very truly yours,

MACDONALD/LAW FIRM, LLC

Paralogal

DAS/ms

· alase: 9

Nathan Hanson (via Odyssey e-serve)

Mediation Aphitection

NOW.

My INSME

Saint Paul & Suburbs († 1069 So. Roben Succi († W. St. Paul, MN 55118 Minneapolis & Suburbs († 3800 American Blyd, W. Sulte 1500 († Bloomington, MN 55431 Stillwater & Surroundings († 6351 St. Crofx Trall († Stillwater, MN 55082



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